

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

REC'D 17 NOV 2006

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Case: 4212PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/SE2005/001074	International filing date (day/month/year) 04-07-2005	Priority date (day/month/year) 05-08-2004
International Patent Classification (IPC) or national classification and IPC See Supplemental Box		
Applicant Nobel Biocare AB (publ) et al		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 03-03-2006	Date of completion of this report 08-11-2006
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer Leif Brander/EK Telephone No. +46 8 782 25 00

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE2005/001074

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Cover sheet

International patent classification (IPC)

A61C 1/08 (2006.01)

Box No. I Basis of the report

1. With regard to the language, this report is based on:



the international application in the language in which it was filed



a translation of the international application into _____,

which is the language of a translation furnished for the purposes of:



international search (Rules 12.3(a) and 23.1(b))



publication of the international application (Rule 12.4(a))



international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (
- replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*
-):



the international application as originally filed/furnished



the description:

pages _____

as originally filed/furnished

pages* _____

received by this Authority on _____

pages* _____

received by this Authority on _____



the claims:

pages _____

as originally filed/furnished

pages* _____

as amended (together with any statement) under Article 19

pages* _____

received by this Authority on _____

pages* _____

received by this Authority on _____



the drawings:

pages _____

as originally filed/furnished

pages* _____

received by this Authority on _____

pages* _____

received by this Authority on _____



a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

- 3.
- ☐
- The amendments have resulted in the cancellation of:



the description, pages _____



the claims, Nos. _____



the drawings, sheets/figs _____

the sequence listing (*specify*): _____any table(s) related to the sequence listing (*specify*): _____

- 4.
- ☐
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).



the description, pages _____



the claims, Nos. _____



the drawings, sheets/figs _____

the sequence listing (*specify*): _____any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	<u>1-14</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-14</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-14</u>	YES
	Claims	_____	NO

2. Citations and explanations (Rule 70.7)**Documents cited in the International Search Report:**

D1: EP 1317910 A1
D2: WO 0158379 A1
D3: FR 2836372 A1
D4: US 5743916 A1
D5: US 6099311 A1

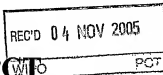
The cited documents represent the general state of the art.
The guide device defined in claims 1-14 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed guide device with a handle part including an actuating part, which is able to interact with a ball bearing race. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention according to claims 1-14 is novel and is considered to involve an inventive step. The invention is industrially applicable.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY



To:

Nobel Biocare AB (publ)
Box 5190
SE-402 26 GÖTEBORG
Sweden

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

02-11-2005

Applicant's or agent's file reference

Case 4212 PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/SE2005/001074

International filing date (day/month/year)

04.07.2005

Priority date (day/month/year)

05.08.2004

International Patent Classification (IPC) or both national classification and IPC

A61C 1/08

Applicant

Nobel Biocare AB (publ) et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Box 5055
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Facsimile No. +46 8 667 72 88

Authorized officer

Leif Brander/MP

Telephone No. +46 8 782 25 00

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/SE2005/001074

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/SE2005/001074

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

Documents cited in the International Search Report:

D1: EP 1317910 A1
D2: WO 0158379 A1
D3: FR 2836372 A1
D4: US 5743916 A1
D5: US 6099311 A1

The cited documents represent the general state of the art. The guide device defined in claims 1-14 is not disclosed by any of these documents. The cited prior art does not give any indication that would lead a person skilled in the art to the claimed device with a handle part including an actuating part, which is able to interact with a ball bearing race. Therefore, the claimed invention is not obvious to a person skilled in the art. Accordingly, the invention according to claims 1-14 is novel and is considered to involve an inventive step. The invention is industrially applicable.